

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Lai et al.
Serial No. 10/696,916
Filed October 30, 2003
Confirmation No. 8207

Art Unit 2163

For DISTRIBUTING NOTIFICATIONS TO MULTIPLE RECIPIENTS VIA A BROADCAST
LIST

Examiner Wilson Lee

June 22, 2006

RESPONSE TO RESTRICTION REQUIREMENT

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the Restriction Requirement mailed May 22, 2006, applicants provisionally elect to have the claims of Group II (claims 8-18, 23-31) examined in the subject application with traverse. Applicants reserve the right to file one or more divisional applications directed to the non-elected claims.

According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made **without serious burden**, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (see MPEP §803, emphasis added).

Applicants respectfully submit that restriction is not proper in this case. The Examiner asserts that the inventions of Group I and II are related as product and process of use, and that a telecommunication inputting device and a router inputting device are materially different from a computing device. Applicants disagree, and submit that the Group I claims do not constitute a product as asserted by the Examiner. Further, a computing device as set forth in the Group I claims does not exclude a telecommunication inputting device or a router inputting device.

Rather, the computing device in the Group I claims broadly encompasses any hardware adapted (e.g., via a processor) to execute computer-executable instructions such as software or firmware.

The Examiner further asserts that a pager and cellular telephone are materially different from the computer-executable components set forth in the claims of Group III. Applicants disagree, and submit that the computer-executable components set forth in the claims of Group III do not exclude a pager or a cellular telephone. Rather, computer-executable components, in an embodiment, broadly encompass any component having computer-executable instructions associated therewith. As such, a pager and a cellular telephone are not materially different from the computer-executable components as set forth in the claims of Group III.

Therefore, any search of the prior art and examination involving the claims of any one of the groups will necessarily co-extend with the search and examination of the other groups. In view of this, Applicants believe that the examination of Groups I, II and III may be made without serious burden and that the claims of Groups I, II and III should be examined together in accordance with MPEP §803.

Applicants do not believe that a fee is due in connection with this response. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

/James J. Barta, Jr./

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